



BOARD OF COUNTY COMMISSIONERS SHELBY COUNTY, TENNESSEE

AGENDA

Monday, March 30, 2009

Commissioner Deidre Malone, Chairman
Commissioner Joyce Avery, Chairman Pro Tempore
Commissioner Henri E. Brooks
Commissioner Wyatt Bunker
Commissioner Mike Carpenter
Commissioner Sidney Chism
Commissioner George Flinn

Commissioner Joe Ford
Commissioner J.W. Gibson II
Commissioner James Harvey
Commissioner Matt Kuhn
Commissioner Steve Mulroy
Commissioner Mike Ritz

3/27/2009 10:15 AM

1:30 PM

COMMISSION CONVENES

CALL TO ORDER

Chairman Deidre Malone

OPENING OF THE COMMISSION

Deputy Sheriff

INVOCATION

Reverend Mark A. Edge
Bethel Pentecostal Church

PLEDGE OF ALLEGIANCE

ROLL CALL

Approval of Minutes of Previous Session
February 23, 2009

CONSENT AGENDA

Resolutions of Memorial, Sympathy and Commendation

1. Resolution commending Ridgeway High School upon receiving designation as an “International Baccalaureate School” and encouraging President Barack Obama to visit Memphis in recognition of the achievements in local public education. Sponsored by Commissioner Steve Mulroy.
2. Resolution urging the participation of Shelby County residents in the 2010 U. S. Census.

Ordinances

FORD
Chairman, General
Government
Committee

3. [ORDINANCE - FIRST READING - An Ordinance to amend the Shelby County Code of Ordinances, Chapter 12.5, Article II, Sections 12.5-51 to 12.5-63, entitled "Code of Ethics." Sponsored by Commissioner Mike Ritz. \(DEFERRED TO 4/13/09\)](#)

CHISM
Chairman, Law
Enforcement
Committee

4. [ORDINANCE - FIRST READING - An Ordinance by the Shelby County Board of Commissioners amending the Shelby County Fire Code, as adopted by the Shelby County Board of Commissioners in Ordinance # 251 on September 10, 2001, so as to make certain changes as hereinafter set out and establish an effective date therefore. Ordinance sponsored by Commissioner Chism. \(DEFERRED TO 4/13/09\)](#)

Zoning and Subdivisions

Reports and/or Resolutions for Standing Committees

RITZ

Vice-Chairman, Budget
and Finance
Committee

CHISM

Chairman, Law
Enforcement
Committee

BUNKER

Chairman, Public
Works Committee

AVERY

Chairman, Hospitals
and Health Committee

CHISM

Chairman, Law
Enforcement
Committee

CHISM

Chairman, Law
Enforcement
Committee

5. [Resolution calling the Shelby County Board of Equalization into its Sessions for Tax Year 2009. Sponsored by Commissioner Gibson.](#)
6. [Resolution to amend the General Fund Budget to reduce the Probate Court Clerk lapse restriction. Sponsored by Commissioner Mike Carpenter.](#)
7. [Resolution approving a contract with Standard Construction Company for the FY 2008/2009 asphalt resurfacing program, in an amount not to exceed \\$908,249.77 and this item requires the expenditure of State Gas Tax funds in the \\$908,249.77. Sponsored by Commissioner Wyatt Bunker.](#)
8. [A resolution approving an amendment to the FY2008-2009 operating budget of the Rapid HIV Testing grant program establishing the budget in the amount of \\$223,700.00 for the provision of HIV Rapid Testing Services for populations disproportionately affected by HIV and an amendment to the FY2008-2009 position control budget and the appropriation of said funds. This item requires the expenditure of Federal through State Grant funds in the amount of \\$223,700.00. Resolution sponsored by Commissioner Joyce Avery.](#)
9. [Resolution receiving and filing the report of the Judicial Commissioner Program as required by Tennessee Code Annotated, Section 40-1-111. Sponsored by Commissioner Sidney Chism.](#)
10. [A resolution amending the FY 2009 Operating Budget in the amount of \\$871.00 for the Shelby County Office of Preparedness to fully expend funds from the 2006 Urban Area Security Initiative \(UASI\) Grant Program and this item requires the expenditure of pass through grant funds under the U.S. Department of Homeland Security Grant Programs in the amount of \\$871.00. Sponsored by Commissioner Sidney Chism.](#)

CARPENTER

Chairman,
Conservation
Committee

11. Resolution approving the transfer of Millington South Park Property, 14.66 acres in size, located at 4107 Biloxi Road, back to the City Of Millington pursuant to the reversionary provision contained in the Warranty Deed by which the property was originally acquired, and authorizing the Shelby County Mayor to execute the necessary documents effecting the transfer. Sponsored By Commissioner Mike Carpenter.

CARPENTER

Chairman,
Conservation
Committee

12. Resolution approving an Amendment to an existing Lease Agreement leasing 145 acres of Chickasaw Basin Authority property, located within the City of Millington, to Silvey Home Builders for harvesting and removing hay for an annual rental in the amount of \$576.00 and authorizing the Shelby County Mayor to execute the Amendment to Agreement. Sponsored By Commissioner Wyatt Bunker.

MULROY

Chairman, Core City
Committee

13. Resolution amending the Shelby County Budget for FY 09 by establishing operating fund number 357 to account for a new Neighborhood Stabilization (NSP) Grant from the U.S. Department of Housing and Urban Development in the amount of \$2,752,708.00 to assist community development organizations for the purchase of vacant foreclosed properties and the subsequent rehabilitation and use of purchased properties as affordable housing for low-moderate-and middle-income individuals and households and appropriating said funds. This item requires expenditure of \$2,752,708.00. Sponsored by Commissioner Steve Mulroy. (AMENDED IN COMMITTEE 3/25/09)

BROOKS

Chairman, Legislative
Committee

14. [Resolution approving a complaint against mortgage lending institutions who have participated in unlawful, irresponsible, unfair, deceptive, and discriminatory lending practices as required by a resolution adopted as item no. 25 on December 22, 2008; and authorizing the County Mayor to engage outside counsel on a contingency fee basis, to engage a non-profit organization that provides legal services, and to provide in-kind services to, and pay a portion of the reasonable fees, costs and expenses incurred by, said not-profit organization if necessary. Sponsored by Commissioner J. W. Gibson, II. \(DEFERRED TO 4/13/09\)](#)

KUHN

Chairman, Delinquent
Tax Property
Committee

15. [Resolution approving the sale of eight \(8\) county owned Delinquent Tax Parcels, acquired from Shelby County Trustee Tax Sale Nos. 0005, 94.40, 97.10, 99.01, 0305, 0306, 0401 And 0403, to identified purchasers at various prices collectively totaling \\$60,600.00, pursuant to the sale provisions of T.C.A. §67-5-2507 and authorizing the Shelby County Mayor to execute Quit Claim Deeds. Sponsored By Commissioner Matt Kuhn.](#)

R E G U L A R A G E N D A**Elections, Appointments, and Confirmations****FORD**

Chairman, General
Government
Committee

16. [Resolution appointing Robert Stevenson to the Shelby County Beer Board. Sponsored by Commissioner Joe Ford. \(SENT WITHOUT RECOMMENDATION\)](#)

FORD

Chairman, General
Government
Committee

17. [Resolution appointing Neil E. Ringel and reappointing James G. Harbor and Shirley Thornton to the Shelby County Board of Equalization. Sponsored by Commissioner Mike Ritz.](#)

FORD

Chairman, General
Government
Committee

18. [Resolution approving the county mayor's nomination of Whit Greenway and John Saucier for reappointment to the Memphis and Shelby County Mechanical/Gas Code Board. Sponsored by Commissioner Joe Ford.](#)

FORD

Chairman, General
Government
Committee

19. [Resolution approving the county mayor's nomination of Jon McCreery for reappointment to the Memphis and Shelby County Land Use Control Board. Sponsored by Commissioner Ford. \(DEFERRED FROM 3/11/09\)](#)

Ordinances

Zoning and Subdivisions

Reports and/or Resolutions for Standing Committees

RITZ

Vice-Chairman, Budget
and Finance
Committee

20. [Resolution to approve a contract for the purchase of computer network components from Coleman Technologies, Inc. for the purpose of current technology network upgrades to support long-term maintenance and emerging initiatives. This resolution requires expenditure of funds in the amount of \\$818,248.20 from FY2008-2009 Capital Improvement Project 909-101714-7024, Computer Equipment. Sponsored by Commissioner J.W. Gibson.](#)

AVERY

Chairman, Hospitals
and Health Committee

21. [A resolution approving an amendment to the FY2008-2009 operating budget of the Tank Barge Emissions Study grant program establishing the budget in the amount of \\$124,929.00 to conduct air toxics monitoring to measure hazardous air pollutants and the appropriation of said funds. This item requires the expenditure of Federal Grant funds in the amount of \\$124,929.00. Resolution sponsored by Commissioner Joyce Avery.](#)

CARPENTER

Chairman,
Conservation
Committee

22. Resolution amending the FY 2009 Operating Budget to accept grant funds from the Shelby Farms Park Conservancy in the amount of \$4,775,000 for purchase of a 7.08 mile long section of an inactive CSX rail line corridor and partially fund initial trail development expenses, and amending the FY 2009 CIP Budget to transfer funds in the amount of \$375,000 from the County's CIP Contingency Fund to the grant fund to build thereon a public asphalt trail; approving a purchase agreement with CSX Transportation, Inc. for the purchase of the rail line corridor for the development of the public trail; and amending the management agreement with Shelby Farms Park Conservancy to authorize its management of the corridor for use as a public trail and appropriate said funds. This item requires expenditure of grant funds in the amount of \$4,775,000 and CIP funds in the amount of \$375,000. Sponsored by Commissioners Deidre Malone and Steve Mulroy.

CARPENTER

Chairman,
Conservation
Committee

23. Resolution Approving Expenditure of funds by Shelby County Government for the purchase of asphalt for resurfacing of parking lots at Edmund Orgill Golf Course and this item requires expenditure of funds from the Conservation Board's Golf Course Surcharge Collections Property Preservation Fund not to exceed the amount of \$50,000.00. Sponsored by Commissioner Mike Carpenter.

BROOKS

Chairman, Legislative
Committee

24. Resolution requesting the Shelby County Legislative Delegation and Tennessee General Assembly support House Bill 1212 & Senate Bill 1094 requiring the County Commission in a county with more than one division of General Sessions Court to designate one division as a Domestic Violence Division. Sponsored by Commissioner Mike Carpenter.

BROOKS

Chairman, Legislative
Committee

25. Resolution requesting the Shelby County Delegation and Tennessee General Assembly support legislation amending Tennessee Code Annotated Title 39 and Title 40, Chapter 6, relative to the illegal possession of firearms, commission of crimes with the use of firearms and the offenders who commit such crimes. Sponsored by Commissioner Steve Mulroy. (AMENDED IN COMMITTEE 3/25/09)

BROOKS

Chairman, Legislative
Committee

26. Resolution by the Board of Commissioners of Shelby County, Tennessee, requesting the Members of the Tennessee General Assembly support legislation amending Chapter 987 of the Public Acts of 1998, as amended, relative to the allocation and deposit of ad valorem tax revenues into Community Redevelopment Trust Funds. Sponsored by Commissioner Mike Ritz.

Announcements/Statements

Adjournment

27. Resolution of adjournment to Monday, April 13, 2009 at 1:30 p.m.